

REMARKS

Claims 1-27 are pending in this application. All of the pending claims are rejected.

Claims 1, 6, 12 and 20 are currently amended. Reconsideration is requested.

Claims 1-5 are rejected under 35 U.S.C. 101 as not being one of four statutory categories. Claims 1-4, 6-10, 12-17, and 20-24 are rejected under 35 U.S.C. 102(e) as being anticipated by US 7,197,546 (Bagga). The claims as currently amended overcome both of these rejections.

The section 101 rejection is based on an assertion that the claims are neither tied to another statutory category nor transform underlying subject matter. More particularly, the examiner asserts at page 8 that the steps recited in claim 1 could be mental steps. As currently amended, claim 1 recites that an electrical domain device provides service requirements and non-requirements which are used to reconfigure an optical switch device. It should therefore be clear that the recited steps are not mental steps, and are tied to a statutory category. Withdrawal of the rejection is therefore requested.

The section 102(e) rejection is based on an assertion that a customer-specified type of service is equivalent to an application-specific optical network service, and also that Bagga describes automatic provisioning of network services. As recognized by Bagga, it is desirable to facilitate operation of a multi-layered network in which traffic traverses different domains, e.g., IP, ATM, Optical and SONET. However, Bagga does not recognize or discuss the specific problem of *automatically configuring the all-optical devices* of the network core. Bagga simply describes provisioning of electrical domain devices that support the CORBA API.¹ Further, it should be clear in view of the amendments of the claims that the application-specific requirements are not equivalent to a type of service *specified by a customer* because, among

¹ Devices that process traffic in the electrical domain can have optical input and output. Such device are often referred to as "optical," rather than "all-optical."

other things, the requirements and non-requirements are ascertained *from an electrical domain device*. Each one of independent claims 1, 6, 12 and 20 recite these distinguishing limitations. Claims 2-5, 7-11, 13-19, and 21-27 are dependent claims which further distinguish the invention, and which are allowable for the same reasons as their respective base claims. Withdrawal of the rejections of claims 1-27 is therefore requested.

Claims 5, 11, 18, 19, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bagga in view of US 5,781,537 (Ramaswami). Ramaswami is cited at column 1:57-64 for describing interfacing between peer *networks*. The limitation in claims 5, 11, 18, 19, and 25-27 against which Ramaswami is cited is communication between peer *user applications*. Consequently, even as characterized by the examiner, the cited passages do not describe the claim limitations. Withdrawal of the rejections is therefore requested.

For the reasons stated above, this application is now considered to be in condition for allowance and such action is earnestly solicited. The Office is encouraged to contact Applicants' Attorney at 978-264-4001 or handerson@smmalaw.com to discuss any issues which might expedite allowance of this application.

Respectfully Submitted,

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Date

/Holmes W. Anderson/
Holmes W. Anderson, Reg. No. 37,272
Attorney/Agent for Applicant(s)
Anderson Gorecki & Manaras LLP
33 Nagog Park
Acton, MA 01720
(978) 264-4001

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